

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA Governance
	CORRESPONDENCE SYMBOL ETA - OWI
	DATE May 12, 2015

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 27-14, CHANGE 1
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA or Opportunity Act)

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions

1. **Purpose.** This guidance updates Training and Employment Guidance Letter (TEGL) No. 27-14, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*, to specify that Concentrated Employment Programs (CEPs) are eligible to request initial and subsequent designation as local areas under WIOA. Additionally, this guidance corrects a typographical error concerning new requests for local area designation.

2. **Local Area Designation Provision Clarifications to TEGL No. 27-14.**

A. Correction to Section 5.D. of TEGL 27-14 – Section 5.D of TEGL No. 27-14 is corrected as follows: “Requirements for designation of new local areas. At any time, the Chief Local Elected Official (CLEO) and Local Board from any unit of general local government or combination of units may submit a request for designation as a workforce development area. The State Board must determine if the new local area meets the Governor's policy criteria established in section 5.B. of this guidance and recommend designation. The Governor may approve or deny the request for designation, in accordance with established policy.”

B. **Special Provisions for Concentrated Employment Programs.** A CEP grant recipient that requested designation as a local area in accordance with Workforce Investment Act (WIA) sec. 116(a)(2)(B) and which was designated a local area for the two-year period

RESCISSIONS None	EXPIRATION DATE Continuing
----------------------------	--------------------------------------

preceding the date of enactment of WIOA may request designation as a local area under WIOA in accordance with the procedures in 5.C. of TEGL No. 27-14.¹ Any such requests for initial designation are subject to the requirements in WIOA sec. 106(b)(2) that the CEP local area performed successfully and sustained fiscal integrity. The procedures for initial designation are outlined in section 5.C. of TEGL No. 27-14.

WIA sec. 116(a)(2)(B) specifically provided that areas served by CEPs of demonstrated effectiveness would be automatically designated as local areas under WIA if the CEP grant recipient requested such designation. While WIOA sec. 106(b) does not specifically reference the initial designation of CEPs as local areas, the Department of Labor interprets WIOA secs. 106(b)(2) to permit CEPs that were designated as local areas under WIA to follow the process for initial designation to retain their status as local areas, just as the section applies to other areas designated as local areas under WIA. Note that any CEP local areas that receive initial designation as local areas under sec. 106(b)(2) of WIOA will also be eligible for subsequent designation in accordance with WIOA sec. 106(b)(3).

3. **Requested Action.** States must evaluate CEP requests for initial or subsequent designation as a local area in a manner consistent with all other requests for initial or subsequent designation, and they must observe the typographical correction to section 5.D. of TEGL No. 27-14.
4. **Inquiries.** Please direct any questions about WIOA implementation to the appropriate ETA regional office.

¹ While the Department of Labor's recently issued *Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking* (80 FR 20690, Apr. 16, 2015) states that CEPs are not eligible to apply for initial designation as a local area, upon further review of the relevant provisions of WIOA, the Department has determined that WIOA permits CEPs to seek initial and subsequent designation.